

**APPROVED MINUTES
FLATHEAD COUNTY PLANNING BOARD**

March 8, 2023

**DUE TO TECHNOLOGICAL DIFFICULTIES THERE IS NO AUDIO
RECORDING OF THIS MEETING.**

Notice: These minutes are paraphrased to reflect the proceedings of the Flathead County Planning Board, per MCA 2-3-212

A meeting of the Flathead County Planning Board was called to order at approximately 6:00 p.m. in 2nd Floor Conference Room of the South Campus Building, 40 11th Street West, Suite 200 Kalispell, Montana. Board members present were Jeff Larsen, Greg Stevens, Verdell Jackson, Sandra Nogel, Buck Breckenridge, and Gary Votapka. Elliot Adams and Kevin Lake have excused absences. Erik Mack, Zachary Moon, and Erin Appert represented the Flathead County Planning & Zoning Office.

There were approximately 44 members of the public in attendance at the meeting.

06:02:52 PM (00:00:03)

A. Call to order and roll call

Citizen Member - Elliot Adams: Absent
Citizen Member - Gary Votapka: Present
Citizen Member - Greg Stevens: Present
Citizen Member - Jeff Larsen: Present
Citizen Member - Kevin Lake: Absent
Citizen Member - Sandra Nogal: Present
Citizen Member - Verdell Jackson: Present
Citizen Member - Buck Breckenridge: Present

B. Pledge of Allegiance

06:03:31 PM (00:00:42)

C. Approval of the February 8, 2023 meeting minutes

Citizen Member - Sandra Nogal: Motion
Citizen Member - Buck Breckenridge: 2nd
Citizen Member - Elliot Adams: Absent
Citizen Member - Gary Votapka: Abstain
Citizen Member - Greg Stevens: Approve
Citizen Member - Jeff Larsen: Approve
Citizen Member - Kevin Lake: Absent
Citizen Member - Sandra Nogal: Approve
Citizen Member - Verdell Jackson: Approve
Citizen Member - Buck Breckenridge: Approve

[06:04:27 PM \(00:01:38\)](#)

D. Public comment on public matters that is within the jurisdiction of the Planning Board (2-3-103 M.C.A.)

Doug Kauffman, 450 Corporate Drive, Ste 101. He spoke in favor of the revision of the Subdivision Regulations pertaining to the dust abatement program. He is in support of the proposed changes that are being discussed, as he has a client that is struggling with meeting the current regulations.

[06:05:28 PM \(00:02:39\)](#)

E. Board members disclose any conflict of interests

[06:05:52 PM \(00:03:02\)](#)

F. Public Hearings: The Flathead County Planning Board will hold a public hearing on the following agenda item. Following the hearing and Board discussion, the Board may make a recommendation to the Board of County Commissioners for final action:

[06:07:11 PM \(00:04:21\)](#)

1.FZC-22-27 - A zone change request from Sands Surveying, Inc., on behalf of Alicia C Gower, for property within the Evergreen Zoning District. The proposal would change the zoning on a parcel of land located at 590 Addison Square, near Kalispell, MT, from *SAG-10 (Suburban Agricultural)* to *R-1 (Suburban Residential)*. The total acreage involved in the request is approximately 10 acres.



Staff Report



Application



Vicinity Map

Zachary Moon reviewed Staff Report FZC-22-27 for the Board.

Applicant:

Donna Valade, Sands Surveying, 2 Village Loop. The Applicant is looking at ways to supplement her retirement income and is looking to minimize her lot size for easier maintenance. In the future, she will look at subdividing the remaining property into three lots at the most.

Public Agency: None

Public Comment: None

[06:11:05 PM \(00:08:16\)](#)

Motion to Adopt Staff Report FZC-22-27 as Findings-of-Fact

[Citizen Member - Greg Stevens: Motion](#)

[Citizen Member - Verdell Jackson: 2nd](#)

[Citizen Member - Elliot Adams: Absent](#)

[Citizen Member - Gary Votapka: Approve](#)

[Citizen Member - Greg Stevens: Approve](#)

[Citizen Member - Jeff Larsen: Approve](#)

[Citizen Member - Kevin Lake: Absent](#)

[Citizen Member - Sandra Nogal: Approve](#)

[Citizen Member - Verdell Jackson: Approve](#)

[Citizen Member - Buck Breckenridge: Approve](#)

[06:11:49 PM \(00:09:00\)](#)

Motion to recommend positive of FZC-22-27 to the Board of County Commissioners

[Citizen Member - Greg Stevens: Motion](#)

[Citizen Member - Gary Votapka: 2nd](#)

[Citizen Member - Elliot Adams: Absent](#)

[Citizen Member - Gary Votapka: Approve](#)

[Citizen Member - Greg Stevens: Approve](#)

[Citizen Member - Jeff Larsen: Approve](#)

[Citizen Member - Kevin Lake: Absent](#)

[Citizen Member - Sandra Nogal: Approve](#)

[Citizen Member - Verdell Jackson: Approve](#)

[Citizen Member - Buck Breckenridge: Approve](#)

[06:12:56 PM \(00:10:07\)](#)

- 2. FZC-22-28 -** A zone change request from Dennis Serov, with technical assistance from Sands Surveying Inc., for property within the Lower Side Zoning District. The proposal would change the zoning on a parcel of land located at 26 Sunrise Drive, near Kalispell, MT, from R-2 (*One Family Limited Residential*) to B-2 (*General Business*). The total acreage involved is approximately 1.26 acres.



Staff Report



Application



Vicinity Map

Erin Appert reviewed Staff Report FZC-22-28 for the Board.

Applicant:

Donna Valade, Sands Surveying, 2 Village Loop. She received public comments prior to the public hearing. She discussed the existing businesses in the neighborhood. She also discussed the existing CCRs from the 1970's outlining the Applicant's lot as commercial lot since the creation of the subdivision. The CCRs were recorded prior to this area being zoned.

Public Agency: None

Public Comment:

Andy Murphy, 25 Sunrise Drive. He spoke in opposition of the proposal. He spoke to other land uses permitted in B-2 zoning. He spoke to potential issues with water well and septic system. He spoke to the bulk usage of the B-2 zoning as opposed to the bulk usage in the R-2 zoning. He spoke to his concerns of traffic and the issues of increased traffic in the neighborhood. He also spoke to the current road condition.

Marvin Hearon, 30 Sunrise Drive. He spoke in opposition of the proposal. He is the adjacent home owner to the applicant's property. He spoke to water well drainage coming onto his property each year. He also spoke to the current condition of the road. He provided the Board with photos of the road and the water well drainage onto his property.



Photos of Road and Water Well Drainage provided to the Board

Todd Spangler, 23 Sunrise Drive, Board Member of Sunset Terrace Home Owner's Association. He spoke in opposition of the proposal. He stated that the Home Owner's Association is and has been unable to communicate with the applicant. He spoke regarding previous and current zoning violation for operating a business in R-1. He spoke to the Applicant having no regard for the CCRs. He spoke to concerns of storage tank drainage issues. He spoke to the water well usage being planned only for residential. He spoke to the Applicant not being open with the neighborhood and that the residents are concerned of the permitted land use in the B-2 Zoning.

Melissa Werner, 58 Sunrise Drive. She spoke in opposition of the proposal. Stated this is the first time this neighborhood has agreed on something. This rezoning is not what Montana is about.

Mike Galvin, 53 Harbin Hill Road, Vice President of Sunrise Terrace Home Owner's Association. He stated that the Applicant has been very unreceptive to the Home Owner's Association. He spoke to concerns of water well issues. He stated that the Applicant is currently breaking the rules and he will continue to break them.

Ingrid Salinas, 43 Sunrise Drive. She spoke in opposition of the proposal. She spoke to the light pollution of the business proposed with this zone change. She stated that the character of the Applicant is questionable. She spoke to the quality of the water well. She stated that the Home Owner's Association works hard to keep the water save. She stated that there are no sidewalks in the neighborhood and a business in this location will increase traffic causing more issues then they currently have.

Gayle Juhl, 39 Preston Dr., Board Member of Sunrise Terrace II Home Owner's Association. She spoke in opposition of the proposal. She agrees with everything that has been said previously. She stated that commercial customers do not have a residential mind frame when driving through the neighborhood and are not as cautious. She spoke to the bulk usage regulations for R-2 versus B-2. She spoke to the quality of the road currently. She stated that the roads are not maintained by the county. She stated that in the condition the road is now it will not support additional traffic. She stated that she does not want her grandchildren in an unsafe neighborhood.

John Kero, 34 Sunrise Drive. He spoke in opposition of the proposal. He stated that he supports all previous comments. He spoke to being surprised that the staff report does not have a comment from the Road and Bridge Department. He stated that the Road Department previously told Home Owner's Association to obtain a RISD in order to repair the roads. He stated that the Highway 35 traffic funnels into this area and there is a traffic flow issue. He spoke to the gravel pit doing a lot of reclamation work and that work will likely result in a Preliminary Plat application for that land.

Patricia Grant, 83 Harbin Hill Road. She spoke in opposition of the proposal. She stated that she agrees with previous comments.

Holly Spangler, 23 Sunrise Drive. She spoke in opposition of the proposal. She agrees with previous comments. She spoke to concerns with potential light pollution. She spoke to the street lights in the neighborhood being changed previously due to their light pollution. She spoke to concerns of the sale of the property in the future if zoned B-2.

Jessica Juhl, 54 Sunrise Drive. She spoke in opposition of the proposal. She agrees with previous comments.

Jeff Grant, 83 Harbin Hill Road. He spoke in opposition of the proposal. He agrees with previous comments. He stated that this commercial property does not fit with this neighborhood.

Pat Murphy, 55 Sunrise Drive. She spoke in opposition of the proposal. She spoke of concerns of the neighborhood children's safety. She spoke to the concerns of the size of the lot. She wants to preserve the neighborhood

Dean Van De Hey, 71 Harbin Hill Road. He spoke in opposition of the proposal. He agrees with previous comments. He stated he does not want a trailer park put on this lot.

Jason Fetterhoff, 68 Harbin Hill Road. He spoke in opposition of the proposal. He agrees with previous comments.


Tiffani Woldstad, 111 Harbin Hill Road. She spoke in opposition of the proposal. She agrees with previous comments. She spoke to access in and out onto Highway 35 being difficult. She stated a business will increase traffic and create a safety issue in the neighborhood.

Tory Krause 40 Harbin Hill Road. She spoke in opposition of the proposal. She agrees with previous comments. She spoke to children in the neighborhood and their activities outside. She stated that not knowing what will be constructed on this lot with this zone change is scary.

Issac Grant, 83 Harbin Hill Road. He spoke in opposition of the proposal. He agrees with previous comments.

Board Member Greg Stevens requested Todd Spangler to answer questions for the Board.

Todd Spangler, 23 Sunrise Drive. Answered questions for the Board as requested. He was able to verify that the lot in question was originally designated as commercial in the original CCRs of the Subdivision. He was able to point out the two water wells for the Board on the Site Map provided by the Staff. He provided a map of the water well 100' protection zone. He was also able to verify for the Board that Sunrise Terrace has 39 lots and of those 36 lots are on the water well system.

 [Map of water well 100' protection zone.](#)

Applicant Rebutal:

Donna Valade, she spoke to DEQ Approval for this Lot.

Erin Appert reviewed the Agency Comment from Environmental Health concerning the existing septic approval.

Board took a short Break to read Public written comment.

Board Discussion

Greg Stevens stated that his vote would be for recommending approval of the proposed zone change. He stated that the original CCRs outlined the Applicant's lot as a commercial lot. He also spoke to the water well protection zone limiting the septic capacity, thus putting limitation on multi-family dwellings.

Gary Votapka stated that his vote would be for recommending denial of the proposed zone change. He stated that previous businesses zoned nearby were grandfathered in as business zoning prior to the area being zoned. He feels this could be viewed as spot zoning for business, as it does not fit with the surrounding area.

Sandra Nogal stated that her vote would be for recommending denial of the proposed zone change. She stated she was not going to reward someone who doesn't follow the rules and is asking for forgiveness after the fact. She also stated that this is a residential neighborhood and wished to maintain the integrity of it.

Jeff Larsen stated that his vote would be for recommending denial of the proposed zone change. He stated that he was concerned with the water well protection zone on the property. He also stated that a commercial septic is more concentrated and that residential uses are more diluted. He believes that leaving this lot zoned as residential makes more sense for this subdivision due to the proximity of the community water well.

[07:02:41 PM \(00:52:55\)](#)

Motion to Adopt Staff Report FZC-22-28 as Findings-of-Fact

[Citizen Member - Greg Stevens: Motion](#)

[Citizen Member - Verdell Jackson: 2nd](#)

[Citizen Member - Elliot Adams: Absent](#)

[Citizen Member - Gary Votapka: Approve](#)

[Citizen Member - Greg Stevens: Approve](#)

[Citizen Member - Jeff Larsen: Approve](#)

[Citizen Member - Kevin Lake: Absent](#)

[Citizen Member - Sandra Nogal: Approve](#)

[Citizen Member - Verdell Jackson: Approve](#)

[Citizen Member - Buck Breckenridge: Approve](#)

Motion to recommend positive of FZC-22-28 to the Board of County Commissioners

[Citizen Member - Greg Stevens: Motion](#)

[Citizen Member - Verdell Jackson: 2nd](#)

[Citizen Member - Elliot Adams: Absent](#)

[Citizen Member - Gary Votapka: Disapprove](#)

[Citizen Member - Greg Stevens: Approve](#)

[Citizen Member - Jeff Larsen: Disapprove](#)

[Citizen Member - Kevin Lake: Absent](#)

[Citizen Member - Sandra Nogal: Disapprove](#)

[Citizen Member - Verdell Jackson: Disapprove](#)

[Citizen Member - Buck Breckenridge: Disapprove](#)

Motion to recommend negative of FZC-22-28 to the Board of County Commissioners

[Citizen Member - Sandra Nogal: Motion](#)

[Citizen Member - Verdell Jackson: 2nd](#)

[Citizen Member - Elliot Adams: Absent](#)

[Citizen Member - Gary Votapka: Approve](#)

[Citizen Member - Greg Stevens: Disapprove](#)

[Citizen Member - Jeff Larsen: Approve](#)

[Citizen Member - Kevin Lake: Absent](#)

[Citizen Member - Sandra Nogal: Approve](#)

[Citizen Member - Verdell Jackson: Approve](#)

[Citizen Member - Buck Breckenridge: Approve](#)

[07:16:21 PM \(01:06:36\)](#)

3.FPP-22-19 - A request from Jim McIntyre, for preliminary plat approval of Whitefish Ridge Estates Subdivision, a proposal to create 18 lots, (17 residential lots and 1 dry commercial lot) on 382.4 acres. The proposed lots would be served by individual septic systems and wells. The property is located off Highway 93 W.



Staff Report



Application



Preliminary Plat Map

Zachary Moon reviewed Staff Report FPP-22-19 for the Board.

Applicant:

Jim McIntyre, 295 Garland Lane. He stated that him and his partners are proud of their development and feel that it fits with the neighborhood. He stated that they concur with staff report. He stated that they located the lot sites first and then worked around soil issues. They will be providing 270 degree views from the upper lots. They will construct a road way for potential home owners, real estate agents, or builders to be able to view their properties. He stated that Findings 5 and 6 of the Staff Report do have typographical errors on the lot sizes. He stated the that the designated commercial lot is an existing commercial site with six existing storage units. He stated that they may build a few more storage units on that lot. These storage units will be exclusive for the home owners in the subdivision. He stated that the pond on the proposed site is spring feed and well feed. He also stated that the pond is lined and has a bubbler system.

Public Agency: None

Public Comment:

Allison Green, 555 Tamarack Trail. She stated that she is not speaking in favor or in opposition but has more questions. The CCRs state that each lot can be divided one time. Will these lots be able to be subdivided in the future? The CCRs also state that they will provide access to Murray Lake. Where will Access to Murry lake be located?

Applicant Rebuttal:

Jim McIntyre, He stated that the CCRs do allow the property owner to subdivide their property one time. They will provide access to Murray lake with a bike, walking, and equestrian Trail. The Trail will be constructed in the 60' right away. This will not be a paved trail, it will be a dirt trail. The trail will be located along Whitefish Ridge Road to Murray Lake. He also stated that the Subdivision will have three quarters to a mile of frontage to the state forest land that Murray Lake sits on. He can assure that there will not be trespassing on anyone's property.

Zachary Moon spoke to the typographical errors in the staff report that need corrected.

Board Discussion

Jeff Larsen asked staff about amending Finding of Fact #2, as he agrees with the finding and that some lots may be difficult to access.

07:35:42 PM (01:25:57)

Motion to adopt revision to Finding #5 of Staff Report FPP-22-19

Citizen Member - Sandra Nogal: Motion

Citizen Member - Verdell Jackson: 2nd

Citizen Member - Elliot Adams: Absent

Citizen Member - Gary Votapka: Approve

Citizen Member - Greg Stevens: Approve

Citizen Member - Jeff Larsen: Approve

Citizen Member - Kevin Lake: Absent

Citizen Member - Sandra Nogal: Approve

Citizen Member - Verdell Jackson: Approve

Citizen Member - Buck Breckenridge: Approve

Motion to adopt revision to Findings #6 of Staff Report FPP-22-19

Citizen Member - Sandra Nogal: Motion

Citizen Member - Verdell Jackson: 2nd

Citizen Member - Elliot Adams: Absent

Citizen Member - Gary Votapka: Approve

Citizen Member - Greg Stevens: Approve

Citizen Member - Jeff Larsen: Approve

Citizen Member - Kevin Lake: Absent

Citizen Member - Sandra Nogal: Approve

Citizen Member - Verdell Jackson: Approve

Citizen Member - Buck Breckenridge: Approve

Motion to Adopt Staff Report FPP-22-19 as Findings-of-Fact as amended

Citizen Member - Buck Breckenridge: Motion

Citizen Member - Verdell Jackson: 2nd

Citizen Member - Elliot Adams: Absent

Citizen Member - Gary Votapka: Approve

Citizen Member - Greg Stevens: Approve

Citizen Member - Jeff Larsen: Approve

Citizen Member - Kevin Lake: Absent

Citizen Member - Sandra Nogal: Approve

Citizen Member - Verdell Jackson: Approve

Citizen Member - Buck Breckenridge: Approve

Motion to recommend positive of FPP-22-19 to the Board of County Commissioners

Citizen Member - Buck Breckenridge: Motion

Citizen Member - Sandra Nogal: 2nd

Citizen Member - Elliot Adams: Absent

Citizen Member - Gary Votapka: Approve

Citizen Member - Greg Stevens: Approve

Citizen Member - Jeff Larsen: Approve

Citizen Member - Kevin Lake: Absent

Citizen Member - Sandra Nogal: Approve

Citizen Member - Verdell Jackson: Approve

Citizen Member - Buck Breckenridge: Approve

[07:41:28 PM \(01:31:42\)](#)

- 4.FPP-22-33** - A request from Justin & Stephanie Breck, with technical assistance from Sands Surveying, Inc., for preliminary plat approval of Amended Plat Lot 3 of Homes on a Thousand Hills, a proposal to create three (3) residential lots on 20.07 acres. The proposed lots would be served by individual and shared wells and individual septic systems. The property is located at 251 & 253 Shepherd Trail near Kalispell, MT.



[Staff Report](#)



[Application](#)



[Preliminary Plat Map](#)

Erin Appert reviewed Staff Report FPP-22-33 for the Board.

Applicant:

Donna Valade, Sands Surveying, 2 Village Loop. Stated that she agrees with Staff Report.

Public Agency: None

Public Comment:

Gilbert Markham, 310 Jossie Lane. He stated he is not opposed to the proposal. That he owns several lots in this neighborhood. He is very invested in this neighborhood. He has one question, how can they put a boundary line through the existing house.

Applicant Rebuttal:

Donna Valade She stated that there are two existing structures. One being a shop and one being a single-family dwelling. The dwelling that the boundary line is through is a shop and not a house.

[07:46:53 PM \(01:37:07\)](#)

Motion to Adopt Staff Report FPP-22-33 as Findings-of-Fact

[Citizen Member - Buck Breckenridge: Motion](#)

[Citizen Member - Verdell Jackson: 2nd](#)

[Citizen Member - Elliot Adams: Absent](#)

[Citizen Member - Gary Votapka: Approve](#)

[Citizen Member - Greg Stevens: Approve](#)

[Citizen Member - Jeff Larsen: Approve](#)

[Citizen Member - Kevin Lake: Absent](#)

[Citizen Member - Sandra Nogal: Approve](#)

[Citizen Member - Verdell Jackson: Approve](#)

[Citizen Member - Buck Breckenridge: Approve](#)

Motion to recommend Positive of FPP-22-33 to the Board of County Commissioners

[Citizen Member - Sandra Nogal: Motion](#)

[Citizen Member - Verdell Jackson: 2nd](#)

[Citizen Member - Elliot Adams: Absent](#)

[Citizen Member - Gary Votapka: Approve](#)

[Citizen Member - Greg Stevens: Approve](#)

[Citizen Member - Jeff Larsen: Approve](#)

[Citizen Member - Kevin Lake: Absent](#)

[Citizen Member - Sandra Nogal: Approve](#)

[Citizen Member - Verdell Jackson: Approve](#)

[Citizen Member - Buck Breckenridge: Approve](#)

5.FPP-22-34 - A request from Robert L. Spoklie, with technical assistant from Sands Surveying, Inc. and 406 Engineering, for preliminary plat approval of Fire Hall No. 2 Subdivision, a proposal to create seven (7) residential lots on 10.78 acres. The proposed lots would be served by three shared wells, and one individual well, and individual septic systems. The property is located on Fire Hall Lane, near Columbia Falls, MT.



[← Staff Report](#)



[← Application](#)



[← Preliminary Plat Map](#)

Erik Mack reviewed Staff Report FPP-22-34 for the Board.

Applicant:

Eric Mulcahy, Sand Surveying, 2 Village Loop. He stated that the Applicant previously filed a final plat for the first four lots of Fire Hall. He stated that the applicant also owns the gravel pit to the south and the reclamation of the gravel pit will be completed. He stated he concurs with the conditions of the Staff Report.

Public Agency: None

Public Comment: None

07:52:31 PM (01:42:45)

Motion to Adopt Staff Report FPP-22-34 as Findings-of-Fact

Citizen Member - Sandra Nogal: Motion

Citizen Member - Verdell Jackson: 2nd

Citizen Member - Elliot Adams: Absent

Citizen Member - Gary Votapka: Approve

Citizen Member - Greg Stevens: Approve

Citizen Member - Jeff Larsen: Approve

Citizen Member - Kevin Lake: Absent

Citizen Member - Sandra Nogal: Approve

Citizen Member - Verdell Jackson: Approve

Citizen Member - Buck Breckenridge: Approve

Motion to recommend positive of FPP-22-34 to the Board of County Commissioners

Citizen Member - Sandra Nogal: Motion

Citizen Member - Verdell Jackson: 2nd

Citizen Member - Elliot Adams: Absent

Citizen Member - Gary Votapka: Approve

Citizen Member - Greg Stevens: Approve

Citizen Member - Jeff Larsen: Approve

Citizen Member - Kevin Lake: Absent

Citizen Member - Sandra Nogal: Approve

Citizen Member - Verdell Jackson: Approve

Citizen Member - Buck Breckenridge: Approve

[07:54:38 PM \(01:44:53\)](#)

G. Old Business

1. Subdivision Regulations – Dust Abatement Program proposed revisions

Buck Breckenridge discussed the proposed revisions. Erik Mack, Erick Mulcahy, and Buck Breckenridge will work together in bringing a Text Amendment forward for June Planning Board Meeting.



Proposed Revisions

Chapter 3 of the Growth Policy – Will bring forward a draft for June Planning Board Meeting.

[08:06:42 PM \(01:56:57\)](#)

H. New Business

Conservation District. Gordon Ash has resigned from the Board and the Conservation District is working on appointment of someone new. In the meantime, Bill Yankee will be attending meetings and reporting back to the Conservation District.

Bill Yankee, Conservation District Representative, stated that he has experience with Conservation Districts. However, he does not feel like he has enough experience with Flathead County to be a voting member of the Board.

Discussed following Legislature regarding short-term rentals and accessory dwelling units.

[08:12:12 PM \(02:02:27\)](#)

I. Adjournment

Approved on 4/12/2023 on a Roll Call Vote 5 to 1 - Adams Abstained